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JUN 21 2007

**OFFICE OF PETITIONS**

In re Application of	:	
Barger, et al.	:	
Application No. 10/657,029	:	ON PETITION
Filed: April 20, 2004	:	
Attorney Docket No. 15294	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed June 8, 2007, and supplemented on June 14, 2007.

The petition is **GRANTED**.

The Office mailed a non-final Office action on January 25, 2006, which set an extendable period for reply of one (1) month. Applicants filed a reply on March 3, 2006, made timely by including a Certificate of Mailing dated February 27, 2006 (February 25, 2006 fell on a Saturday - See 37 CFR 1.7(a)). However, the Office mailed a Notice of Non-Compliant Amendment on August 18, 2006, setting a one (1) month extendable period for reply. Applicants filed a reply on February 19, 2007, made timely by obtaining a five (5) month extension of time, and by the fact that February 18, 2007 fell on a Sunday. In response, the Office mailed a second Notice of Non-Compliant Amendment on May 3, 2007. This Notice again gave applicants a period for reply of one (1) month. Applicants filed a reply on May 10, 2007. However, prior to the one month period for reply, the Office mailed a Notice of Abandonment on May 22, 2007.

In view of the one month period for response set in the May 3, 2007 Notice of Non-Compliant Amendment, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to Group Art Unit 3654 for consideration of the reply filed May 10, 2007.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

*Cliff Congo*

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